

# Friend of the Court Domestic Violence Resource Book Revised Edition

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## Michigan Judicial Institute

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With assistance from the  
**Friend of the Court Domestic  
Violence Resource Book  
Advisory Committee**

The assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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The research done on this Resource Book is current through April 5, 2004. This Resource Book is not intended to be an authoritative statement by the Justices of the Michigan Supreme Court regarding any of the substantive issues discussed. However, it does represent the consensus of the author and the advisory committee members regarding these issues.

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# Using this Resource Book

This Domestic Violence Resource Book—Revised Edition will assist Friend of the Court staff in handling domestic relations cases where domestic violence is involved. This book contains information about:

- ♦ The nature and dynamics of domestic violence, and the attendant safety concerns for court personnel.
- ♦ Information-gathering and case management in cases involving domestic violence.
- ♦ Community referral resources that provide support to abused individuals and opportunities for change to abusers.
- ♦ The laws governing access to children and support as they apply to situations where domestic violence is present.
- ♦ Safety concerns with alternative dispute resolution — particularly mediation — in cases involving domestic violence.
- ♦ The relationship between criminal and personal protection actions and domestic relations cases involving the same parties.

Throughout the text, the reader will find suggestions for “promising practices” in cases where domestic violence is present. These suggestions have been included primarily to address safety concerns that arise whenever domestic violence is present in a case before a court. The “promising practices” were reviewed or suggested by the judges, court personnel, and domestic violence service providers who oversaw the drafting of the First Edition of this Resource Book as members of its Advisory Committee. The suggestions in this book represent the best professional judgments of the author and Advisory Committee members. They do not constitute recommendations from the Michigan Supreme Court and should not be viewed as definitive in all cases. The Advisory Committee hopes that each local court will develop individual policies for cases involving domestic violence in consultation with members of its own community.

The legal discussion in this Resource Book is current as of April 5, 2004. This Revised Edition includes new legislation, court rule changes, and case law from October 1, 2000 (the date of the First Edition) through April 5, 2004, including changes to the assault and battery statutes, personal protection order statutes, and the statutes governing custody and parenting time violations. The reader is cautioned that domestic violence is the subject of continuing legislative attention, so that statutory change is likely after this date.

Readers should also be mindful that the psychological and sociological aspects of domestic violence have only recently been the subject of scientific study. There is still much to discover about this difficult subject, and much remains controversial. A careful reader will thus remain alert for new information about the nature and causes of domestic violence that comes to light after the publication date of this Resource Book.



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# Acknowledgments

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Mary Lovik, MJI Publications Administrator, researched and wrote the First Edition of this Resource Book. Her work was overseen by an Advisory Committee comprised of judges, family division personnel, and domestic violence service providers, who reviewed the text and conferred with the author about the “promising practices” suggested in it. The Advisory Committee members are as follows:

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MJI gratefully acknowledges the time, helpful advice, and expertise contributed by the Advisory Committee members.

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For the First Edition, Mary Ann McDaid, MJI Multimedia Development Specialist, was responsible for page layout, cover design, and coordination of reproduction and distribution. Lori Sheets, former MJI Program Assistant, also assisted with distribution.

Erika Domarew, MJI extern, researched, revised, and updated the text for this Revised Edition of the Resource Book. Jennifer Warner, MJI Research Attorney, edited the text and updated the indexes. Tobin L. Miller, MJI Publications/Program Manager, edited the text. MJI Multimedia Development Specialist, Mary Ann McDaid, was responsible for page layout and coordination of reproduction, and Denise Kruger, Administrative Assistant, was responsible for distribution.

The artwork in this Resource Book is taken from a quilt made of fabric painted by women and children receiving services at Shelterhouse/Council on Domestic Violence and Sexual Assault, Midland. MJI thanks Shelterhouse and its Director, Bernadine Lasher, for this very special contribution to the Resource Book.

The Michigan Judicial Institute was created in 1977 by the Michigan Supreme Court. MJI is responsible for providing educational programs and publications for Michigan judges and court personnel. In addition to formal seminar offerings, MJI is engaged in a broad range of publication and distance learning activities, services, and projects that are designed to enhance the professional skills of all those serving in the Michigan court system. MJI welcomes comments and suggestions. Please send them to: Michigan Judicial Institute, P.O. Box 30205, Lansing, MI 48909, (517) 373-7171.

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